

innocent people now. Senator Duis makes no distinction between the innocent and the guilty. They continue when they discuss this provision to say, sex offenders, he is not talking about a sex offender. He is not saying deny bail after somebody has been convicted and they are awaiting an appeal. He says as soon as they are accused. It means nothing in the Constitution to talk about proof is evident or the presumption great. Presumptions and proof are defined by statutes. These provisions in the Constitution are not self executing. The Legislature has enacted an entire code that deals with evidence. Proof and presumption are matters of evidence and not the Constitution. So, Senator Duis has a basic misunderstanding of how Constitutional language operates. Most of the language in the Constitution either grants authority to the Legislature or other divisions of government to do something or prohibits them from doing it. Referendum and....

SPEAKER LUEDTKE: One minute.

SENATOR CHAMBERS:.....initiative are self executing provisions. Thank you, Senator Luedtke. My motion to kill this bill is based on the premise that anything that needs to be done in this area can be done by the Legislature. Even then, you should never violate the principles that no matter how serious the offense the person is accused of, innocence is still presumed until guilt is proved. I hope that it is not like Senator Nichol told me laughingly the other day. A person is considered guilty until proven affluent.

SPEAKER LUEDTKE: Chair recognizes Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature. I rise to support the kill motion on LB 553. I'm going to point out a few things and then I'm going to ask Senator Duis if he would answer a question, Senator Duis, after I get through talking a little bit on this issue. As this amendment is drafted and as you people, I don't know how many of you are paying attention to it but I'll tell you it is an awful serious piece of legislation that you are going to have to decide on here in your vote in a little while. I hope that you would listen to the arguments on both sides and then make an intelligent decision in which I would hope that you would vote to kill the bill, regardless of what Senator Duis has said is a highly emotional issue and try to make it on the basis of information. Do you know that this non-bailable offense, as you would have it in the Constitution would allow other issues of crime and as you have so ably put it earlier today to go on as a bailable offense, I will give you a few of them where they would be let out on bail. Senator Venditte and Senator Labedz, abortion, they could be out on bail. Distributing drugs to the young people in this country, in this state, in large quantities, killing those people by their over doses of drugs. They would let them out on bail. Kidnapping, they get out on bail. Armed robbery, motor vehicle homicide, man slaughter, these types of crimes are bailable. You have picked one due to a highly emotional issue. You have adopted an amendment on this issue and I want to point out what you adopted. Read the amendment involving penetration by force or against the will of the victim. Against the will of the victim. How many times have we stood on this floor and told you of the high school couple against the will of the victim.